



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/653,034

Filed: August 29, 2003

Inventor(s):

King, et al.

Title: SYSTEM HEALTH
MONITORING

Examiner: Cherry, Stephen J.
Group/Art Unit: 2863
Atty. Dkt. No: 5681-71200

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

B. Noël Kivlin

Printed Name

Signature

2-2-07

Date

COMMENTS REGARDING PATENT TERM ADJUSTMENT CALCULATION

BOX ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

THIS LETTER IS NOT AN APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705. RATHER, THESE COMMENTS ARE PROVIDED TO INDICATE THAT THE APPLICANT BELIEVES THE PATENT TERM ADJUSTMENT APPEARING ON THE NOTICE OF ALLOWANCE MAY BE LONGER THAN APPROPRIATE. ACCORDINGLY, FEES ASSOCIATED WITH THIS LETTER ARE NOT BELIEVED NECESSARY AND ARE NOT AUTHORIZED. FURTHER, THIS SUBMISSION DOES NOT CONSTITUTE A SUBMISSION WITHIN THE MEANING OF 37 C.F.R. § 1.704(c). THEREFORE, NO TERM EXTENSION REDUCTIONS ARE APPLICABLE TO THIS SUBMISSION.

Pursuant to Applicant's general obligation of candor and good faith in practice before the Patent and Trademark Office, and Applicant's duty to disclose what are believed may be errors in the calculation of the Patent Term Adjustment by the Office, Applicant submits this letter in order to indicate the Patent Term Adjustment as indicated

on the Notice of Allowance for the above referenced patent application may be longer than appropriate.

Applicant submits this letter in accordance with the following direction provided by the Office in its comments regarding possible errors in calculation of the Patent Term Adjustment:

A registered practitioner is under a general obligation of candor and good faith in practice before the Office. . . . [A] practitioner signing the PTOL-85B does so pursuant to § 10.18, which means, for example, . . . that the patent term adjustment is correct to the best of his or her knowledge, information and belief, formed after an inquiry reasonable under the circumstances. . . . In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate. (emphasis added).

Changes To Implement Patent Term Adjustment Under Twenty-Year Patent Term; Final Rule, 65 Fed. Reg. 56366, 56387 (September 18, 2000) (Office's response to comments) (Final Rule codified at 37 C.F.R. pt. 1).

Respectfully submitted,



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